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ABSTRACT

In debate, it has been argued that a judge's decision is between two competing policy systems. This paradigm does not admit of direct refutation by the negative team considering the predicate facts and value assumptions of the affirmative policy. A second position is that straight refutation is an appropriate means of analysis in resolving propositions of public policy and that a requirement that a negative team provide an alternative policy to an affirmative policy that has not been validated is unwarranted. Two assumptions on which policy theorists base their rejection of refutation, that a process reality characterizes any system and that a policy decision can be rendered only after a comparison of policies, each makes an arbitrary assessment that any change is better than no change. However, the nature of debate implicitly requires advancing good reasons in support of claims. When a system's description has been refuted, then no valid conclusion can be assured. The negative team may argue for rejection of the predicate as well as offer an alternative description, but this decision is a strategic one rather than a necessary one. (TJ)

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Direct Refutation in Propositions of Policy:

A Viable Alternative

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Direct Refutation in Propositions of Policy:

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In Public Policy Decision Making: Systems Analysis and Comparative Advantage Debate, Brock, Chesebro, Cragan, and Klumpp identified a paradigm of decision-making applying the methods of systems analysis to questions of public policy.[1] This paradigm has contributed to an extensively shared perspective of debate as the comparison of competing policy systems in which a judge is expected to render a decision selecting the "best" system.[2]

The application of the systems' paradigm to policy decision-making has placed an emphasis upon the consideration of the alleged effects of the competing systems at the expense of an evaluation of the fact and value predicates underpinning the effects. Advocates of the policy paradigm have argued that direct denial approaches (usually known as straight or direct refutation) are inappropriate to the consideration of policy propositions.[3]

The position taken in this paper is that straight refutation is an appropriate means of analysis in resolving propositions of policy. The direct denial approach may be appropriate either singularly or in conjunction with other approaches for the consideration and evaluation of propositions of policy. A complete policy evaluation cannot occur in the absence of a consideration of the predicate fact and value assumptions of the policy. This position rejects the claims of the policy theorists who insist that a Negative team advocate and defend a cogent alternative to the Affirmative's policy.[4]

The defense of an analytic position which does not defend a policy per se (although a tacit defense may be implied by direct denial) is defensible and even desirable under circumstances where the description and assessment of a policy system is not warranted. The thesis of this analysis is that the predicate fact and value assumptions of an Affirmative's policy are subject to challenge and validation before any consideration of the alleged effects can be made. The Affirmative which fails to adequately describe the interacting components of its system cannot base a claim of advantage (in a comparative mode of analysis) or solution (in a problem-solution mode of analysis) if the fundamental assumptions are not validated.

In examining the reasons presented by policy theorists for rejecting straight refutation as an analytic means of evaluating a policy, two assumptions are made. First, it is assumed that a process reality characterizes any system. Since all systems are constantly in process, the nature of presumption shifts from a question of whether change should occur to one which asks, "Which changes should be encouraged?"[5] Failure to account for change may result in consequences worse than those attributed to an advocated policy.

This leads directly to the second assumption made by policy theorists. A policy decision can only be rendered after a comparison of policies. Since change is inevitable, only the policy which best accounts for the nature of change is to be favored in a rational process of decision-making. The Negative must defend a policy for, "Even doing nothing or suspending judgment is a form of action and thus a policy."[6] Given the assumption that change is inevitable, "a negative team cannot merely argue against a proposal. The negative team must also argue for a system which can adapt to

change."[7] In the absence of a policy alternative, the policy paradigm would have us choose for the Affirmative policy by default.

The fundamental problem with both of these assumptions is that they make an arbitrary assessment which equivocates a generalized presumption in favor of change with one which favors change in the specific instance. When one argues that reality is in process and that change is inevitable, one should not make the leap to say that any change is better than no change. The specific justification for making a given change is tied to predicate reasons advanced in its behalf. If the reasons advanced in support of a specific claim are unwarranted, the claim itself cannot be rationally accepted.

The nature of argumentation and debate implicitly requires that we advance good reasons in support of claims. Explicitly stating this view, the National Development Conference on Forensics adopted the definitional statement that

> Forensics is an educational activity primarily concerned with using an argumentative perspective in examining problems and communicating with people. An argumentative perspective on communication involves the study of reason giving by people as justification for acts, beliefs, attitudes, and values.[8]

There are reasons to suspect the description of a system provided by an Affirmative team. The adversarial role assumed by the disputants provides some motive for inaccuracy. Rieke and Smith identified a dilemma which exists between ethics and advocacy in the use of evidence. While the debater "is expected to be both a fervent champion of his cause and a judicious participant in rational decision making," . . . The "two roles are contradictory."[9] The process of disputation requires that an external arbiter stand in judgment to resolve such disputes. If the opponent is not allowed to dispute the veracity of a claim, the arbiter is either disallowed from considering

the probable truth of the claim, which has the effect of equating the probability of a specific claim as equal to any other claim, or else the arbiter interposes a judgment of the probable truth of the claim, which has the effect of resolving issues based upon the predispositional attitudes of the judge toward a particular claim.

In either instance the effect would not be desirable. In the instance where probability become equivocal for any claim, the probative value of argument becomes meaningless. Any statement becomes evidence without regard to its correspondence with some means of verification. Direct refutation provides the remedy to this occurence in "opposing evidence and reasoning by proving that it is false or erroneous."[10]

In the instance where an issue is resolved by the judge's predisposition, the resolution of argument ceases to be a function of the process of debate. Argumentation simply becomes a means of identifying attitudes with corresponding appeals directed towards them. The evaluative function of argument is lost in preference to a truncated form of persuasion. Retention of direct refutation at the very least requires the judge to evaluate the probity of argument from the consideration of perspectives other than his/her own.

Brock and his colleagues recognized that strategic considerations influenced the analytic assumptions made by the Affirmative in determining the boundaries of the system they choose to design. They cautioned Negative teams that "it is much easier to design a system that will result in advantages without disadvantages when the boundaries of the system are quite narrow."[11] Hence, it is to an Affirmative's advantage to restrict the focus of the debate to a limited description of components and

relationships. While the strategic advantage is not denied, the focusing upon a specific systemic description explicitly directs our attention to certain phenomena and explanations, while implicitly directing our attention away from other phenomena and explanations.[12]

This first analytic assumption easily leads us to a second assumption. The Affirmative is likely to assume "that its description of the components and of their relationships to one another is sufficient and accurate."[13] Again we are warned that such an assumption may not adequately reflect the case. Aside from purely strategic reasons for selecting a particular description of a system in preference to another, perceptual error may account for an inadequate description. Systems, as they exist within or outside of the context of debate, are the perceptual creations of man. As such, systems can be misleading. This is not to impugn the validity of systems analysis, but rather to recognize that as the creations of man, systems may be no more accurate than our perceptual faculties.[14]

Regardless of the specific reasons why the description provided in an Affirmative's analysis is insufficient, one may ask whether this insufficiency requires rejection of the claimed effects. From the standpoint of understanding the system, one could not argue consequent effects if the antecedent causes are not accurate. An accurate understanding of the system is the necessary requisite to exercise control. Rappaport identifies this principle in the essay "Modern Systems Theory--An Outlook for Coping with Change,"[15] while Zarefsky similarly concludes that "causal arguments permit control over events through understanding them."[16]

In the language of systems theory, "the objects within a system are <u>connected</u> and <u>controlled</u> by each other. The objects within a system mutually influence each other; a change in one object necessarily requires

a change in the other objects and thus the objects can be said to control each other."[17] The basis for claiming a specific effect or level of effect is tied to the adequacy of the description of the system. As long as the components and relationships described by the system remain intact, the warrant for the effects claimed will remain.

A change in a component or relationship of the system, however, has the effect of spreading itself to cause other changes within the system.[18] This is by virtue of the inter-connectedness and control within the system. When the Negative team successfully argues that the Affirmative team's description is not adequate by means of direct refutation, they have indicted the basis of prediction for the alleged effect. Brock, et al., acknowledge the Affirmative's responsibility to predict the conditions necessary to obtain the claimed effects.[19] As such, refutation of the antecedent causes, which are intrinsic to a description of the components and relationships of a system, renders any alleged claim as baseless.

Under circumstances where the system's description has been refuted, the Affirmative case is likened to that of the hypothetical syllogism in its test for validity. The antecedent description (cause) must be confirmed for the consequent (effect) to be affirmed.[20] In the absence of the confirmation of the antecedent, no valid conclusion could be assured.

Can an Affirmative claim valid effects without defense of its descriptive elements of a system? From the perspective of the hypothetical syllogism, it would appear that an affirmation of the consequent effects is not a valid form. Verification of consequent does not insure that the predicate (hypothetical) causes are present. It is the fallacy we normally refer to as affirming the consequent.[21]

It could be conceivably argued that if the effects are verified, it is irrelevant as to whether the initial predicate stands affirmed. Even though we might not know the causes, the effects might still be observable in some phenomena. One might discover a cure for a disease before one ever knew why the particular solution worked. Would this not warrant the prudent person to act, despite a lack of knowledge of the cause?

From the standpoint of systems analysis one would conclude that the answer is no. The policy option a team presents is based upon a description of interconnected and mutually controlled elements which compose the system. When the effect is claimed, regardless of the status of the description, the advocate is functionally no longer defending a policy system. The basis for understanding and predicting the effects of a system is tied to an adequate description. "The affirmative must prove that certain conditions probably will exist in the future."[22]

The effect may exist, but if not for understandable reasons its existence may remain in doubt. The reasons for an effects existence may transcend the Affirmative's particular description of the system. It is even possible that the implementation of the Affirmative's policy could be counterproductive to the generation of the effect when the reasons are not understood. The policy, if not understood in terms of the reasons for action, has no basis for claiming comparative superiority to an existing system or alternatives which might be offered in its place.

In a follow-up article to Public Policy Decision-Making, Klumpp, Brock, Chesebro, and Cragan noted that debating the adoption of a proposed policy "becomes a confrontation between opposing sets of descriptions, predictions, goals, and values of the system offered by the proponents and opponents of

the policy."[23] Given the necessity of any of these elements to the Affirmative's case, it would appear relevant that the advocate of a particular policy at least maintain a minimal defense of his/her description to justify implementation of the plan.

Denial of the predicates suspends judgment of the policy. While comparison of policies would not take place under this circumstance, there is no reason for such a comparison to take place. Two or more policies can only be compared if they are based upon some standard of judgment provided by a systemic assessment. The strategy of direct refutation rejects the basis for comparative assessment by arguing that the predicate is not valid. The Negative may elect to argue for rejection of the predicate as well as offer an alternative description, but this decision is a strategic one rather than a necessary one.

Lichtman and Rohrer have argued that "doing nothing or suspending judgment is a form of action and thus a policy."[24] If so, then the policy of arguing for suspension of judgment by means of refuting the Affirmative predicates becomes a semantic one. In the case of straight refutation defenses, the Negative is not comparing a policy with the Affirmative's, per se, but rather is saying that no basis for comparison exists in the absence of valid criteria. It is equivocal to compare this argument with negative defenses of active policy comparison such as a defense of the status quo, use of minor repairs, or advocacy of the counterplan.

When Lichtman and Rohrer argue that the "standard of evaluation of a policy system is its relative benefits rather than its probable truth,"[25] they equivocate the validity of alleged benefit by separating it from some

standard of assessment. Benefit (as well as cost) has nc meaning except as it corresponds with some standard of assessment. This is not to say that comparison of benefits cannot occur, but rather indicates that benefit must correspond with some system describing it as such, as well as predicting the likelihood of its occurence.

In the final analysis the use of straight refutation as an analytic approach by the Negative team is an argument for the suspension of judgment. This suspension of judgment is warranted when the predicate elements to the Affirmative's description and evaluation of a system has been successfully refuted by the Negative team. A requirement that a Negative team provide an alternative policy to an Affirmative policy which has not been validated is unwarranted. No amount of comparison between policies ever validates the fact or value predicates of the Affirmative's system. The use of straight refutation by the Negative team, if properly discharged, does not argue for an alternative to the Affirmative's plan of action. It argues that in the absence of valid description by the advocate of change, the warrant for the particular change is defeated. Decision for policy change is deferred until such adequate justification can be provided.

Endnotes

[1]Bernard L. Brock, James W. Chesebro, John F. Cragan, and James F. Klumpp, Public Policy Decision-Making: Systems Analysis and Comparative Advantage Debate (New York: Harper & Row, 1973).

[2]J. Robert Cox, "A Study of Judging Philosophies of the Participants of the National Debate Tournament," Journal of the American Forensic Association, XI (Fall 1974), 62. Cox reports 42.9 percent of judges viewed debate as a comparison of alternate policy systems.

[3]Allan J. Lichtman and Daniel M. Rohrer, "Critique of Zarefsky on Presumption," Proceedings of the National Conference on Argumentation, (TCU, Aug. 4-5, 1973), p. 41. Also see Public Policy Decision-Making, pp. 88 and 120, and Charles Arthur Willard, "The Nature and Implications of the 'Policy Perspective' for the Evaluation of Oral Argument," paper presented to the Speech Communication Association Convention, December 1976, p. 3.

[4]The issue of multiple alternatives by either the Affirmative or the Negative team is not addressed directly here. The analysis of this paper is applicable to either those who require each team to defend a single policy or those who would allow multiple alternatives.

[5]Public Policy Decision-Making, p. 153.

[6]Allan J. Lichtman and Daniel M. Rohrer, "A General Theory of the Counterplan," Journal of the American Forensic Association, XIII (Fall 1975), 72.

[7]Public Policy Decision-Making, p. 89.

[8]Forensics as Communication: The Argumentative Perspective, ed. James H. McBath (Skokie, IL: National Textbook, 1975), p. 11.

[9]Richard D. Rieke and David H. Smith, "The Dilemma of Ethics and Advocacy in the Use of Evidence," Western Speech, XXXII (Fall 1968), 228.

[10]Austin J. Freeley, Argumentation and Debate, 4th ed. (Belmont, Cal.: Wadsworth, 1976), p. 230.

[11]Public Policy Decision-Making, p. 124.

[12]"Nature and Implications of the 'Policy Perspective,'" p. 1.

[13]Public Policy Decision-Making, p. 124.

[14]Public Policy Decision-Making, pp. 30-31.

[15]Anatol Rappoport, "Modern Systems Theory--An Outlook for Coping with Change," in General Systems Theory and Human Communication, eds. Brent D. Ruben and John Y. Kim (Rochelle Park, N.J.: Hayden, 1975), p. 42.

[16]David Zarefsky, "Causation and an Analysis of Motives," paper presented to the Speech Communication Association Convention, December 1975, p. 11.

[17]Public Policy Decision-Making, p. 28.

[18]Public Policy Decision-Making, p. 76.

[19]Public Policy Decision-Making, pp. 98-104.

[20]Jack Ray and Harry Zavos, "Reasoning and Argument: Induction and Deduction," in Perspectives on Argumentation, eds. Glen R. Miller and Thomas R. Nilsen (Chicago: Scott, Foresman, 1966), p. 63.

[21]"Reasoning and Argument," pp. 64-65.

[22]Public Policy Decision-Making, p. 104.

[23]James F. Klumpp, Bernard L. Brock, James W. Chesebro, and John F. Cragan, "Implications of a Systems Model," Journal of the American Forensic Association, XI (Summer 1974), 3.

[24]"A General Theory of the Counterplan," 72.

[25]"Critique of Zarefsky on Presumption," p. 42.